

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FLETCHER'S ORIGINAL STATE
FAIR CORNY DOGS, LLC,

Plaintiff,

V.

FLETCHER-WARNER HOLDINGS LLC,
VICTORIA JACE FLETCHER
CHRISTENSEN,
VICTORIA WARNER FLETCHER, and
FLETCH TECHNOLOGY, LLC,

Defendants.

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Civil Action No. 4:19-cv-00681-SDJ

DECLARATION OF AMBER FLETCHER

I, Amber Fletcher, hereby declare the following:

1. I am over the age of 21 and am fully competent in all respects to make this Declaration. Unless otherwise indicated, each statement within this Declaration is within my personal knowledge.

2. I am the Head of Marketing and Events for Fletcher's Original State Fair Corny Dogs, LLC ("Fletcher's Original") and often attend community events where Fletcher's Original is selling corn dogs. My current business address is 3828 MLK Boulevard, Dallas, Texas 75226.

Incident No. 1

3. On April 25, 2021, I attended an event at the Dallas Arboretum in Dallas, Texas, where Fletcher's Original was serving corny dogs. I was wearing my Fletcher's Original branded white polo with red "Fletcher's" script on the front and with a large Fletcher's Original logo on the back.

4. While standing in front of the red and yellow Fletcher's Original trailer, a woman began speaking with me. When she mentioned Skip Fletcher, I told her I am Skip's daughter.

5. The woman then asked: "Oh, are you the one who started the couple of restaurants?" I told her no, Fletcher's does not have any restaurants. Then the woman said: "I thought y'all had restaurants."

6. Fletcher's Original does not have any restaurants, but the business known as Corn Dog with No Name ("CDWNN") has opened two restaurants.

Incident No. 2

7. On May 1, 2021, I attended the Roanoke Roundup in Roanoke, Texas. I was wearing my Fletcher's Original branded white polo with red "Fletcher's" script on the front and Fletcher's Original logo on the back.

8. I saw another corn dog vendor and went to speak with them. I introduced myself as Amber Fletcher from Fletcher's Original Corny Dogs.

9. During the conversation, the vender asked if I was the one who "opened the restaurants out in Dallas." As noted above, Fletcher's Original does not have any restaurants, but CDWNN has opened two restaurants.

Incident No. 3

10. On May 15, 2021, I met a woman named Daniela, who did my makeup for an event. We discussed her doing my make up for other events and talked about Fletcher's Original and what we do – we even discussed the pop up Fletcher's Original was doing just down the

street that same day. Afterwards, Daniela began following my personal Instagram account, and I began following hers.

11. During the State Fair of Texas several months later, on my personal Instagram account, I posted the interview Fox 4 News did with me about Fletcher's Original and the State Fair of Texas.

12. A few weeks later, Daniela sent me a message: "Hey sis! How do I go about catering corndogs like you did for Caroline's party? 🍌🍌 I need it for my bday on the 22 🥰" It was followed by another message, in which she said: "The ones with the gold flakes 🧑🏻👩🏻👩🏻👩🏻"

13. To the best of my knowledge, Fletcher's Original has not catered a party for anyone named "Caroline." However, Jace Christensen has posted a video online about CDWNN catering a party for someone named Caroline.

14. Fletcher's Original does not offer any corn dogs with gold flakes, but CDWNN does offer a corn dog called "The Corn Dog Queen" that has gold flakes.

Incident No. 4

15. On June 2, 2021, shortly after the State Fair of Texas announced it would be open for the 2021 season, I discovered the following post on the "corndogwithnoname" Instagram account:



16. The post includes hashtags related to the State Fair, including “#statefairoftx,” “#statefairoftexas,” and “#statefair.”

17. Neither Fletcher-Warner Holdings LLC nor Fletch Technology, LLC have ever been a vendor at the State Fair of Texas, under the name “Corn Dog with No Name” or any other name.

18. In contrast, Fletcher’s Original has sold corn dogs at the State Fair of Texas for decades, and Fletcher’s™ brand corn dogs have long been associated with the State Fair of Texas in the minds of consumers.

Incident No. 5

19. On June 7, 2021, I represented Fletcher’s Original in a job fair where we were interviewing potential employees to work for us during the upcoming State Fair of Texas. I was wearing my Fletcher’s Original branded white polo with red “Fletcher’s” script on the front and

a Fletcher's Original logo on the back. The table also had a sign and several stacks of business cards, all of which carried the Fletcher's Original logo.

20. One of the job seekers told me he saw Fletcher's at the Staff Meals event in February. I told him Fletcher's Original was not at that event.

21. He said he saw them serving corn dogs and the line was two hours long. I again told him Fletcher's Original was not there and turned the conversation back to the job fair.

22. I told him we were hiring for the State Fair of Texas. He then asked me about our Technology location. I told him we did not have any restaurants and that we were hiring managers for the State Fair.

Incident No. 6

23. On August 7, 2021, I was at the Frisco Roughriders stadium in Frisco, Texas for a Roughriders promotion where Fletcher's Original was serving corn dogs.

24. I attended the event wearing a white Fletcher's Original branded T-shirt that had our Mr. Corny logo on it.

25. While standing in front of the red and yellow Fletcher's Original food trailer a man approached asking for the "owner's daughter." I told him "I am the owner's daughter." And he said, "Vickie's daughter? The owner?" He pointed to the Fletcher's Original red and yellow food trailer as he said "the owner." He went on to say he was going to do some work with them at the restaurant on Northwest Highway.

26. I politely told him, "That is not us (Fletcher's), and Vickie isn't an owner."

27. He appeared confused and started repeating himself trying to be more clear, and I continued to tell him they are not Fletcher's. He then walked away.

Incident No. 7

28. On September 21, 2021, I participated in BZenTv's podcast. A few days prior to arriving I sent my bio and standard Fletcher's Original information sheet.

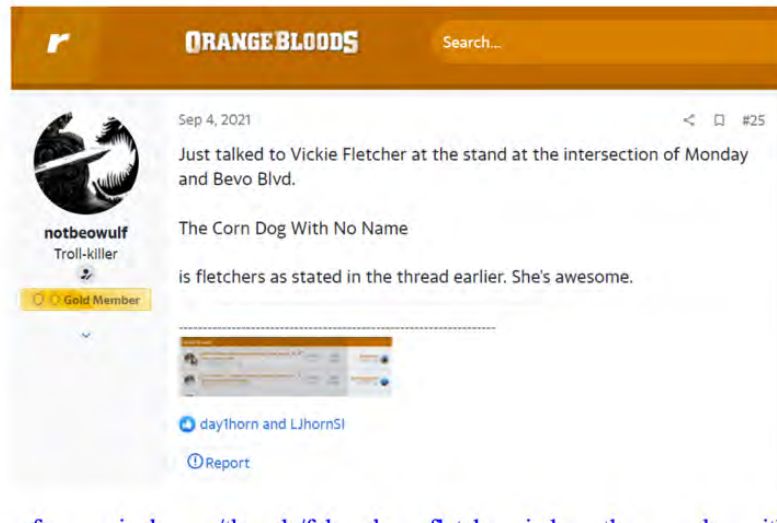
29. Upon my arrival the interviewer said "I wanted to interview you ever since I met you at Caroline's party." She must have thought I was Jace Christensen from CDWNN. As noted above, Jace Christensen has posted a video about Corn Dog with No Name catering a party for someone named Caroline.

30. I told her I am "Fletcher's from the fair." She said "Good 'cause I wanted THE Fletcher's". She seemed embarrassed about her confusion, and she later apologized.

Incident No. 8

31. On September 9, 2021, I discovered through googling the words "Fletcher's" and "corn dogs" a football forum for the UT Longhorns, <https://www.orangebloods.com/> and now on <https://www.rivals.com>, which included a thread about CDWNN and Fletcher's. The following posts were in the thread:





Incident No. 9

32. On September 23, 2021, I attended the Dallas Morning News exclusive event that Fletcher's Original did at The State Fair of Texas. At the event, we feed Dallas Morning News subscribers.

33. While working at the event and wearing my Fletcher's Original white polo, a lady asked me "How is the little restaurant in Preston Center?"

34. I told her Fletcher's Original doesn't have a restaurant and that that restaurant is not Fletcher's.

35. She said she "thought it said Fletchers on it" and asked (me) "What is the name (of the restaurant)?"

36. I told her it is called Corn Dog with No Name and there is no affiliation. I then asked her how long she'd been eating Fletcher's Original corn dogs.

37. She said at least since she was 2 or 3 years old.

Incident No. 10

38. In January, 2022, Fletcher's Original was in communication with the city of Addison about participating in the city's events, such as Kaboom Town, the city's annual Fourth of July celebration.

39. When Fletcher's Original called the city to get information for our vender application, the city told us they already had us on file under "Fletcher-Warner Holdings." We had to explain that we are not "Fletcher-Warner Holdings" and that we are Fletcher's Original from the State Fair.

Incident No. 11

40. On March 18, 2022, I was talking with a woman associated with Girls on the Run DFW, a local nonprofit organization dedicated to helping girls achieve their full potential. The woman contacted me to discuss opportunities for me to participate in the organization.

41. The woman asked me if we still have the restaurant in Preston Center. CDWNN operates a restaurant in Preston Center, but Fletcher's Original does not have any restaurants.

Incident No. 12

42. On March 18, 2022, Fletcher's Original received an email from Levy Restaurants, one of the nation's leading concessions companies. Levy manages the concessions at a few, venues where Fletcher's Original sells its corn dogs and other food and beverage items.

43. Levy's March 18th email asked us to provide our "insurance for COTA." We did not know what Levy meant by "COTA," but Fletcher's Original was planning to sell its products at an upcoming event managed by Levy, the Market Hall event in Dallas, Texas. We therefore

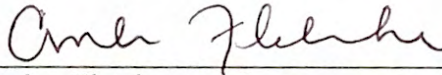
responded by sending Levy our certificate of insurance for the Market Hall event. Levy then indicated it needed the certificate of insurance for COTA, not Market Hall.

44. After several more email exchanges, Levy clarified in an email sent on March 19, 2022, that it wanted the certificate of insurance for "Circuit of the Americas," and the email attached an out of date certificate of insurance that had been issued for Fletcher-Warner Holdings, LLC to sell at Circuit of the Americas in Austin, Texas.

45. Fletcher's Original has never been a vendor at Circuit of the Americas in Austin, Texas.

I declare under penalty of perjury that the foregoing is true and correct."

Executed in Denton County, Texas, on the 1st day of April, 2022.



Amber Fletcher